

1 ZONING BOARD OF APPEALS-MEETING MINUTES

2 WEDNESDAY, October 27, 2021

3 The public hearing was web-based on Zoom at <https://us06web.zoom.us/j/2574297243>

4 Meeting ID: 257 429 7243

5

6 I. CALL TO ORDER - Commissioner Antonio called the meeting to order at 7:00pm.

7 II. ROLL CALL

8 1. Appointment of Alternates: Ali Rice promoted as a full voting member

9 Present: Steven Antonio, Mark Freeman, Joshua Michelson, Ram Kaza, Laura
10 Barkowski, and JoAnn Hogan

11 Absent: Mark Freeman, Sharon Thomas, and Stacey Walczak

12 III. APPLICATIONS

13 1. Public Hearings

14 Commissioner Antonio made a motion to flip the order of Applications from Application
15 #21-12 of Poyant Signs/Christopher Ramm being presented first to Application #21-13
16 of Simsbury Public Schools, Owner. Commissioner Hogan seconded the motion. The
17 motion carried unanimously.

18 A. Application #21-13 of Simsbury Public Schools, Owner, SLR
19 International Corporation, Applicant, for a variance pursuant to the to the Simsbury
20 Zoning Regulations Section 3.9 to allow grandstand and press box within the side yard
21 setback at the property located at 34 Farms Village Road (Assessor's Map F11, Block
22 148, Lot 016). Zone R-40

23 • Kevin Fuselier, Principal Landscape Architect with SLR International Corporation.
24 Presented a PowerPoint that included diagrams of existing and future structures, and
25 pictures that were taken during athletic games that show congestion in the grandstand and
26 press box. Project is for Simsbury High School Campus on the existing green,
27 grandstand, press box, and shed north of the grandstand all on the western side of the
28 property. The proposal is to remove and demolish the existing grandstand, press box, and
29 shed, and build a new grandstand and press box over the existing footprint; keep the
30 CMU building under the grandstand that is used for storage but separate it from the
31 grandstand structure; and make the new structure larger, with the north corner closer to
32 the property line and the new press box moved in a couple of feet. The request for
33 variance is due to the high school property being low density residential, the side yard
34 setback is 40 feet, the existing grandstand was built in the 1960's and is undersized for
35 the current school population, it is not currently constructed in accordance to Americans

36 with Disabilities Act (ADA) and State of Connecticut Building Code (insufficient means
37 of egress for number of seats, access ramps exceed ADA allowable pitch/slope,
38 insufficient ADA and companion seating areas, inadequate fall protection on railings, and
39 insufficient handrails on stairs), both the existing and proposed grandstand and press box
40 are located within the 40 foot side yard setback, and the new press box will be further
41 from the property line. Alternatives had been explored, one being retrofitting the existing
42 grandstand to meet current code but considering the age of the structure there was
43 concern that it would not withstand adding more weight and would not meet the school's
44 need for a larger seating capacity and press box space. Another alternative was
45 reconfiguring the proposed structure to eliminate or lessen the setback of encroachment,
46 but the storage unit is vital to fulfilling the storage needs of the school and is central to
47 the proposed construction. The third alternative was to relocate the grandstand and press
48 box to another location but would not be effective due to the site being confined by
49 existing track and field facility and parking lot on east side and it would have directed
50 spectator and PA noise to the western property line would impact neighbors more.

- 51 • Commissioner Antonio inquired if there were any plans to incorporate concessions into
52 the future project considering that the shed that will be removed was the concession
53 stand. Mr. Fuselier said that was not in the project. Jason Casey, Director of
54 Infrastructure and Technology at Simsbury Public Schools, stated that the Athletics
55 Director, Jeff Pinney was okay with losing the concessions shed because it was not heavy
56 utilized. Commissioner Antonio said that if there are any future plans to create a
57 concession area that he would rather see all of the proposed plans now so that we can
58 negotiate the full-scale project.
- 59 • Commissioner Antonio also queried about why the proposed project is so heavily based
60 on the cinderblock storage unit under the grandstand. He asked why it would not just be
61 rebuilt when the grandstand structure is going to be built from the ground up anyway. Mr.
62 Fuselier responded that it's the location for the storage and the type of equipment's field
63 use. He said that the athletic director wanted the storage to be there. Commissioner
64 Antonio reiterated his implication that the footprint of the proposed grandstand is to
65 facilitate the continued use of the existing storage, and he wanted to understand if
66 demolishing the storage unit completely and moving it would not be a huge cost restraint
67 what would that allow to happen to the overall proposed plan. Mr. Fuselier responded
68 that it would be in a FEMA Flood Plain and if the shed were to be reconstructed it would
69 have to have an open bottom to allow water to flow through which would not be
70 conducive to storing certain athletic equipment. He brought up the feasibility study they
71 did with the athletic department two years ago for a larger storage building elsewhere on
72 site and they examined feasibility and cost estimates and the costs were high, but it might
73 happen in the future. Commissioner Antonio asked what potential ramifications there
74 would be on keeping us out of the setback area if they were to proceed with total
75 demolition. Mr. Fuselier responded that it would not keep us out of the setback area but
76 would allow for the grandstand structure to be lowered a little bit because it is driving the
77 angle of the seating. The proposal is to match the existing elevation there is just slightly
78 more pitch and more room to allow a new roof on that CMU (storage) building.
- 79 • Commissioner Antonio inquired about the walkways, with the switchbacks that he
80 believed were ADA compliant, that are not in the setback, and why they were not going
81 straight, north and south, and why do they have those switchbacks that would further

82 encumber the setback zone. Mr. Fuselier responded that it was a request of Mr. Pinney.
83 Commissioner Antonio asked if that was run by the fire marshal because having four
84 switchbacks to get out in an emergency looks like a fire code concern. Mr. Fuselier
85 responded that the next step would be to go to Zoning with this and that is where the fire
86 marshal would weigh in. Commissioner Antonio asked what the width of the ramp is and
87 Mr. Fuselier responded that it was five feet.

- 88 • A member of the public, Bill Freeman commented that him and his wife, Susan Freeman
89 (also present), live on the western property adjacent to the grandstand, across the brook,
90 at 2 Welden Way. Commissioner Antonio commented that they were the closest people
91 and he wondered how this would ramify their property value. Susan Freeman responded
92 that this would impact them greatly. Mr. Freeman said that when they moved there four
93 and a half years ago the sound was horrific and Mr. Pinney had a new sound system
94 installed that was omnidirectional so that it pointed the sound back towards the school
95 and away from their property, and that helped, and he hopes that any future sound
96 systems will continue to do that. He also mentioned that the lights are very visible and
97 was wondering if anything could be done to lower the structure because the boundary
98 between their property and the school's is a chain link fence and a row of greenery that
99 has eroded from invasive species. He also wanted to know what can be done to enhance
100 the gratery or anything else between the properties so that they are not always looking at
101 the lights and the grandstand. Commissioner Antonio asked Mr. Fuselier and Mr. Casey
102 that if they used energy-efficient lighting if that would be more directionalized. Mr.
103 Fuselier responded that the plan is to use the existing PA system and attach it to the new
104 press box. Mr. Casey responded that the lighting has not been discussed and that the
105 project is all about utilizing existing footprints. Commissioner Hogan asked if the press
106 box reached above the greenery and if the Freemans can see the press box. Mrs. Freeman
107 responded that they could see the top two rows of seats and the press box and that she
108 feels that people who are sitting there can turn around and see her when she is in the
109 kitchen and it feels invasive. Commissioner Hogan responded that the structure was there
110 when they purchased their home and asked if that hedge has changed since then. Mrs.
111 Freeman said that when they first moved in that the greenery was thicker and healthier,
112 that there was a storm where three trees got knocked down by another falling tree, and
113 then there became an open view. She also mentioned that when their neighbors found out
114 that they were attending this meeting that wanted them to advocate for the grandstand to
115 be lowered. Mr. Freeman said that he had landscapers try to remove the vines that have
116 invaded the greenery, but he hopes that the greenery can be enhanced, and they are
117 willing to contribute to that because it effects the value of their home. He said that Mr.
118 Pinney has been helpful about the sound system, but kids have broken into the press box
119 and put on their own music at a very loud volume. Mrs. Freeman said that even the
120 Hopmeadow Country Club has complained of hearing it and that they are in bowl and the
121 sound just ricochets and we can hear everything. Commissioner Antonio asked Mr.
122 Fuselier if there was something prohibiting him from replacing one wall at a time which
123 is allowed for buildings that are nonconforming in the footprint, and this would change
124 the height of the structure. He suggested that the storage unit be kept in the same place
125 but that it is rebuilt one wall at a time and is built a couple of feet lower. Ms. Barkowski
126 commented that anything done in a flood plain that is a substantial improvement, which
127 is anything more than 50% of what the structure is worth, has to be brought up to our

128 Flood Plain Codes. Replacing the storage building would probably be more expensive
129 because she does not think it is up to Flood Plain Codes. Mr. Fuselier confirmed that it
130 was not. Commissioner Antonio inquired if they would be able to replace just the roof.
131 Ms. Barkowski said that it could be reroofed but that it comes down to monetary, and
132 what is considered a substantial improvement. Any kind of work would have to be
133 brought to Mike Glidden the certified Flood Plain Manager of Simsbury. Commissioner
134 Antonio asked if they knocked down a couple of courses but maintained the lower box
135 and left it in place if it would not be changing the value significantly, and how much
136 lower the new structure would be. Mr. Fuselier responded that it would be about two feet.
137 Commissioner Antonio responded they could saw cut because it is viable.

- 138 • Commissioner Antonio asked Mr. Freeman what lights he was referring to and Mr.
139 Freeman clarified that it was the field illumination lights. Commissioner Antonio asked if
140 those were the lights that are on poles or on the structure. Mr. Freeman responded that the
141 lights are on independent poles. Commissioner Antonio said that it wouldn't be discussed
142 during this meeting.
- 143 • Mr. Hemsley said that he and David Holden, the former School Business Manager
144 worked on the artificial turf field for two or three years before the first turf field went in,
145 and he mentioned that the lights were a big issue at that time, and they had to go around
146 to surrounding residents and explain to them what was happening. They eventually got
147 the town to comply with Dark Skies, which is a very high set of standards for athletic
148 fields where the light has a very low spill-over rate and it must meet a set of criteria in
149 order to comply with the regulations. There was a lot of work to make sure that they did
150 not have the old-fashioned lights that had a very high spill-over rate. He stated that he has
151 lived closed to the field for forty years but in a high elevation and is looking down on the
152 far end zone and can hear and see everything, so he understands the Freeman's concerns.
153 He mentioned that when he was a varsity football coach at Simsbury High School that the
154 storage facility got very moldy and musty and he hopes that they can control the humidity
155 in there. He also wanted to know if the concession stand would be replaced. He is happy
156 that the grandstand is going to be redone because it is a safety hazard. He also stated that the
157 Visitor stands are very low, and the visitors cannot see the field, and hopes they can be
158 replaced as well.
- 159 • Commissioner Hogan inquired if they kept the storage unit as is, is there a way to lower
160 the grandstand as it is proposed to be designed? Mr. Casey responded that he is
161 concerned about lowering it because that would require taking off the top tier which
162 would only add to the already inadequate seating for the larger population. Otherwise, the
163 angle would have to be changed, the seats would have to be pushed back more, and that
164 would bring the structure closer to the set back. Commissioner Hogan asked if they could
165 make the grandstand longer to compensate for the top tier being taken off. Mr. Casey
166 responded that because of the financial component that they have actually been looking at
167 shrinking, so the design is in-flux from side-to-side but how far back has not been an
168 issue. Mr. Fuselier confirmed this. Commissioner Antonio asked why they could not
169 lower it and keep it wide. Mr. Fuselier responded that we could still lose the area by the
170 side boxes, but the press box height would stay the same and be enclosed with solid side
171 and back walls. Mr. Casey commented that with losing the sides and the two top rows it
172 would be a smaller grandstand than the existing one. Commissioner Antonio responded
173 that it wouldn't be smaller if you kept the sides and lost the two back rows. Mr. Fuselier

174 responded that we could take out the top three rows, but the press box would be at the
175 same height. Commissioner Antonio said when they grant these variances that they are
176 always asking for a reduction of nonconformity. Residents should also have equal say in
177 how this is constructed. He said that he liked the slide titled “Proposed Improvements-
178 Alternative Site Plan No. 2” because it is a reduction of nonconformity. He said that the
179 switchbacks are still a concern in an emergency and are more than half- way in the
180 setback area, and that is an additional nonconformity. Mr. Casey responded that if the
181 switchback line is straightened that it would follow the fence line of the field and by fire
182 regulation, we wouldn’t be able to have people standing in the way of the grandstand
183 egress. Commissioner Antonio inquired if they set back the fence by five feet it still
184 keeps it substantially out of the setback line.

- 185 • Commissioner Rice inquired why the grandstand cannot be longer and is in agreement
186 with Commissioner Hogan and Commissioner Antonio.
- 187 • Commissioner Hogan inquired about the height of the press box because that is the part
188 that sticking up and is visible to the neighbors and wants to know why it would be higher
189 than the seating in the proposed plan. Mr. Fuselier responded that the height was because
190 of adding space between the storage facility roof and the grandstand. On the existing
191 structure there is paneling that was added for fall protection under the seats, but that also
192 became the roof of the storage building. That roof is not weatherproof and has
193 contributed to the musty smell in the storage room, along with the holes in the concrete
194 façade, which will all be addressed. Commissioner Hogan asked if the building height
195 could be lowered. Mr. Fuselier responded that it is up to the school, but he believed it
196 could be done. In the proposal the press box is still the same elevation, but it is under the
197 thirty-five-foot building height limit, and the top platform is a limited access filming
198 platform, like a deck with a safety railing on it. There has been discussion of making the
199 back of the railing slightly higher at four feet and keeping the front of the guardrail at
200 three feet.
- 201 • Commissioner Kaza wanted to know what was preventing them from taking off the top
202 two rows and extending the length of the grandstand. Commissioner Hogan responded
203 that it helped with the setback issue. Mr. Fuselier commented that Alternative Site Plan
204 No. 2 says it will impact spectators by eliminating those two rows, but it will bring the
205 structure further away from the property line, the press box, in either scenario, will be
206 further from the property line as well. Mr. Casey commented that the concern on this
207 alternate is that cost is a factor, and he is not sure how much is allocated for this and how
208 much it will be with the addition of reconstructing the storage building. Commissioner
209 Antonio responded that the cost issue does not bear on the zoning rights and he is
210 confident that our town has enough to make this the best it can be, not the cheapest it can
211 be.
- 212 • Commissioner Antonio asked Ms. Barkowski if they were leaving this application too
213 open ended before proceeding to close it, because it seemed that the general feeling of the
214 Board was for SLR International Corporation to come back after taking the Board’s input
215 into account and resubmitting.
- 216 • Commissioner Rice inquired about the length of time and the start and end dates of
217 construction if it is approved or if they need to resubmit with another alternative site plan.
218 Mr. Casey responded the demolition is planned for December with a construction date in
219 the Spring. Commissioner Rice responded that they could come back in a month.

- 220 • Mr. Hansley inquired if they ever answered the question about the Visitor’s Stand.
221 Commissioner Antonio responded that it was not a part of this purview and encouraged
222 him to bring it up to the Board of Education because it is valid.
223 • Commissioner Michelson inquired Mr. Fuselier that Alternative Site Plan No. 2 was
224 preliminary and that he did not have any specific information on capacity. Mr. Fuselier
225 responded that was correct. Commissioner Michelson responded that if we want the plan
226 to include that information, we need to push this back anyway.

227

228 MOTION: Commissioner Antonio made the motion to reschedule Application #21-13 of
229 Simsbury Public Schools, Owner, SLR International Corporation, Applicant, for a
230 variance pursuant to the to the Simsbury Zoning Regulations Section 3.9 to allow
231 grandstand and press box within the side yard setback at the property located at 34
232 Farms Village Road (Assessor’s Map F11, Block 148, Lot 016). Zone R-40 for their next
233 regular meeting. He would like SLR International Corporation to take the Board’s input
234 into consideration. The Board would like the same or less variance from the setback
235 lines with the proposed plan. Commissioner Hogan seconded the motion. The motion
236 carried unanimously.

237

238 B. Application #21-12 of Poyant Signs/Christopher Ramm, Applicant, Antonio5,
239 LLC/Steven Antonio for a variance pursuant to the Simsbury Zoning Regulations
240 Section 9.3 to replace the existing menu board with a drive thru internally illuminated
241 digital menu board at the property located at 1261 Hopmeadow Street (Assessor’s Map
242 I05, Block 403, and Lot 019). Zone B-2

- 243 • Bill Gavigan of Poyant Signs they are the sign manufacturer for Dunkin Donuts. He
244 stated that the zoning regulations does not currently allow for internally illuminated
245 signage. The menu board is the order point in the drive thru line and not necessarily
246 branding. The new image for Dunkin Donuts is to rebrand themselves as Dunkin and to
247 utilize new digital technology. He understands towns not wanting digital signs by the
248 roads. The type of board that Dunkin wants is essentially a TV screen that is regulated,
249 with the brightness being adjustable. They self-adjust with the ambient light, so at night
250 the light will dim down because not as much light is needed for these screens as it is
251 during the day when it is fighting against the sun. The current static signs have problems
252 where the light can go out in different sections or look sloppy when the components or
253 frame falls out. These new signs are clean, crisp, even and they are going to continue this
254 way. Like a TV if there is a problem the whole thing just won’t work, and they will
255 urgently correct that so that patrons can read the menu and keep the line moving. Dunkin
256 wants to bring their signs up to the brand standard. According to research this has led to a
257 better drive thru experience for the customers.
- 258 • Commissioner Raza inquired if Mr. Gavigan had a display to show what it would look
259 like. Commissioner Antonio added that he had a question and showed the page in the
260 packet that had one display proposal, the two screens with the column in the middle. He

261 then flipped to another page with the other display option that had a separate pole that
262 you order from and two screens next to it. Mr. Gavigan responded that there are two
263 layout options for the drive thru, the first one with the two separate pieces, the separate
264 menu board and the canopy, the canopy is considered the order point, the speaker is
265 inside a vertical column. 5.5 feet away angled so that when a patron pulls up, they see the
266 menu separate. Dunkin wants to do an all-in-one so that there is a smaller footprint to
267 have the variance granted. Commissioner Antonio asked if this was the same one that
268 they had already approved for the Dunkin in West Simsbury. Mr. Gavigan responded that
269 the one on the Albany Turnpike is the two-piece option, the canopy with the separate
270 menu.

- 271 • Commissioner Antonio said that they have also been presented with this by McDonald's
272 and inquired Mr. Gavigan if he knew if they had the two piece or one piece. Mr. Gavigan
273 responded that he has only seen the two-piece option.
- 274 • Commissioner Hogan inquired where the sign was going to face, the road Route 10, or
275 would it be perpendicular to Route 10? Mr. Gavigan responded that it would be in the
276 same spot as the existing menu board, which is straight to the curb and is just pass the
277 radius so is not directly facing back but is on an angle so that you won't see those screens
278 from the street. There are also trees in the back. Commissioner Antonio commented that
279 it is behind the building and that the whole building blocks it.
- 280 • Commissioner Antonio inquired if this proposal would be a reduction in size for the
281 menu board. Mr. Gavigan responded that it would be. Commissioner Hogan inquired if it
282 would be taller. Mr. Gavigan responded that with the canopy would be taller with a ten-
283 foot clearance, but the menu board would be smaller at about six feet in height and about
284 six feet in width. The current menu board is about seven-and-a-half-feet in height and is
285 much wider at eleven feet.
- 286 • Commissioner Michelson inquired asked about the frequency that the sign would be
287 changing. Mr. Gavigan responded that it is a menu board, and nothing moves, scrolls, or
288 changes, but in the bottom corner there is a menu confirmation screen, so as a patron
289 places an order the items that are ordered will show and gives you a monetary total.
- 290 • Commissioner Rice inquired about the purpose in variance. Mr. Gavigan responded that
291 they are seeking variance to the internally illuminated sign. Commissioner Hogan
292 commented that it is currently not in compliance.
- 293 • Commissioner Antonio spoke about reading the hardships and that it would be safer for
294 these signs to be changed. Mr. Gavigan responded that currently a Dunkin employee has
295 to go outside and open up the menu sign and change this inside the box, with traffic
296 coming, and weather conditions. With the new sign a manager can change the sign
297 remotely.
- 298 • Commissioner Kaza inquired about this being a requirement of the Dunkin franchise. Mr.
299 Gavigan responded that being a national brand it is now one of their brand standards, not
300 just outside, but inside. It is all meant to enhance the customer experience and speed up
301 the process.
- 302 • Commissioner Antonio said that he was going to close the application and inquired Ms.
303 Barkowski if Commissioner Hogan should step in as Deputy Chair due to him having
304 conflict of interests. Ms. Barkowski said that since he is recusing himself it would be fine
305 for her to handle it.

306

307 MOTION: Commissioner Hogan made a motion to close discussion on Application #21-
308 12 of Poyant Signs/Christopher Ramm, Applicant, Antonio5, LLC/Steven Antonio for a
309 variance pursuant to the Simsbury Zoning Regulations Section 9.3 to replace the
310 existing menu board with a drive thru internally illuminated digital menu board at the
311 property located at 1261 Hopmeadow Street (Assessor's Map I05, Block 403, and Lot
312 019). Zone B-2 .

313 Commissioner Michelson seconded the motion. The motion carried unanimously.

314

315

316 2. Discussion and Possible Action

317 C. Application #21-12 of Poyant Signs/Christopher Ramm, Applicant, Antonio5,
318 LLC/Steven Antonio for a variance pursuant to the Simsbury Zoning Regulations
319 Section 9.3 to replace the existing menu board with a drive thru internally illuminated
320 digital menu board at the property located at 1261 Hopmeadow Street (Assessor's Map
321 I05, Block 403, and Lot 019). Zone B-2

322

- 323 • Commissioner Michelson stated that when he spoke about the February meeting when
324 they discussed the sign for Dunkin on Route 44, how they could bring up the rules
325 regarding these specific menu boards with the Zoning Commission because it continually
326 comes up and should just be addressed in code for the internal lighting as an exception to
327 the regulation. Commissioner Hogan responded that one of the advantages for keeping it
328 as it is, is that each individual sign can be considered for its own merits because different
329 companies will come to us with different norms they are trying to set for their company,
330 and it can become a slippery slope for them to be allowed under one blanket Not having
331 internally lit signage is a long standing tradition in Simsbury and one of the reasons that
332 our main road is so pleasant to drive down because we don't have a lot of that
333 commercial signage happening. Allowing the Zoning Board of Appeals to weigh in on it
334 individually is an advantage because so many businesses are coming and going, and
335 technology is always changing and losing control over these decisions would not be
336 beneficial.
- 337 • Commissioner Rice brought up how the safety of employees will be enhanced how the
338 sign would not be facing the road and would be smaller and the trees and Dunkin
339 building blocking the sign are all good aspect for the Board to consider for this proposal.
340 Commissioner Hogan liked how the brightness of the sign would adjust to the
341 atmosphere and how it doesn't change throughout the day.

342

343 MOTION: Commissioner Hogan made a motion to approve Application #21-12 of
344 Poyant Signs/Christopher Ramm, Applicant, Antonio5, LLC/Steven Antonio for a
345 variance pursuant to the Simsbury Zoning Regulations Section 9.3 to replace the
346 existing menu board with a drive thru internally illuminated digital menu board at the
347 property located at 1261 Hopmeadow Street (Assessor's Map I05, Block 403, and Lot
348 019). Zone B-2, with the hardships being that this is the company standard for this
349 restaurant, and this brings the restaurant into the accepted technology, menu item
350 pricing would be able to be changed remotely so as not to require a person to go out to
351 physically change the board.

352 Commissioner Michelson seconded the motion and the motion carried unanimously.

353 IV. APPROVAL OF MINUTES of the WEDNESDAY August 25, 2021 regular meeting.

354 Commissioner Antonio made a motion to approve the minutes from the August 25, 2021
355 regular scheduled meetings as presented. Commissioner Hogan seconded. The motion
356 carried unanimously.

357 V. ADJOURNMENT Commissioner Hogan made a motion to adjourn the meeting.
358 Commissioner Antonio seconded the motion. The motion carried unanimously. The
359 meeting adjourned at 8:13 pm.

360 Respectfully Submitted,

361 Amanda Blaze

362 Commission Clerk

363